

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on January 29, 2003 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Donald Steinbeisser, Vice Chairman (R)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 440; HJR 14 (1/24/03)
Executive Action: HB 403 (Do Pass); HB 404 (Do Pass
As Amended)

CHAIRMAN MCKENNEY requested **VICE MINORITY CHAIRMAN KEANE** chair the committee.

HEARING ON HB 440

Sponsor: **REP. TOM FACEY, HD 67, Missoula**

Opening Statement by Sponsor:

REP. FACEY said this bill was an act requiring residential landlords to pay simple interest on tenant security deposits that are in an amount of \$500 or more when the term of the lease is for six months or longer, providing for the return or withholding of interest-bearing security deposits; providing for a tenant action against a landlord for the wrongful withholding of an interest-bearing security deposit; and providing that a tenant who wrongfully terminates a lease prior to the expiration of the term of the lease is not entitled to receive the accrued interest on the tenant's security deposit.

{Tape: 1; Side: A; Approx. Time Counter: 40 - 90}

Proponents' Testimony:

Matthew Leo, Montana Public Interest Research Group, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 90 - 136}

Mary Coferro, Working For Equality & Economic Liberation, said they were an organization of low income families. This bill is a common sense approach. If a family is a good tenant they are rewarded for being good tenants by receiving their deposit refunded with interest.

{Tape: 1; Side: A; Approx. Time Counter: 136 - 146}

Sarah Cobler, Associated Students of the University of Montana, said students from the University of Montana are renters. There is a great deal of interest among the student body for this bill. The students recognize the great service landlords provide in university communities.

{Tape: 1; Side: A; Approx. Time Counter: 146 - 190}

Opponents' Testimony:

Chris Christiaens, Montana Landlord Association, said there are some inconsistencies between the title of the bill and the information which is set out in the bill. Tenants rent for three or four months and a landlord is expected to set up an account within thirty days of the rental. That causes many problems.

The bill may have many good intentions. In its current form, it is unmanageable and does not make practical sense.

{Tape: 1; Side: A; Approx. Time Counter: 190 - 296}

Roger Halver, Montana Association of Realtors, said this was a bookkeeping nightmare. The property managers who are incorporated have been told by the financial institutions they cannot have interest bearing trust accounts.

{Tape: 1; Side: A; Approx. Time Counter: 296 - 408}

Brian McCullough, Helena Chapter of the Montana Landlord Association, said that in the last several years he has not received complaints from tenants in regard to not receiving interest on their deposits.

{Tape: 1; Side: A; Approx. Time Counter: 408 - 490}

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed.

{Tape: 1; Side: A; Approx. Time Counter: 490 - 500}

HEARING ON HJR 14

Sponsor: REP. NORMA BIXBY, HD 5, Lame Deer

Opening Statement by Sponsor:

REP. BIXBY said that this is a joint resolution of the Senate and the House of Representatives of the State of Montana requesting a study of processes and procedures by which vulnerable populations have access to complaint, investigation, and enforcement procedures when dealing with employees working on behalf of the state who are not licensed. She also provided a legislative audit of the Child Protective Services; a CFSD organization chart; an investigation of critical incidents and internal reviews of the Child & Family Services; standards for social work case management.

EXHIBIT (buh19a01)

EXHIBIT (buh19a02)

EXHIBIT (buh19a03)

{Tape: 1; Side: A; Approx. Time Counter: 189 - 470}

Proponents' Testimony:

Colleen Murphy, Executive Director, Montana Chapter National Association of Social Workers (NASW), said their association is a membership organization. In order to become a member, a degree in social work is required. Currently, anyone in Montana may use the title of Social Worker and claim to be engaged in the practice of social work. If licensure becomes required in Montana, NASW is prepared to present a bill to license social workers during the next session. A social work licensee would be subject to a disciplinary process for violation of social work statutes and regulations. **Ms. Murphy** distributed a brochure entitled, Protection for the Public: A Licensed Social Worker is a Trained Social Worker.

EXHIBIT (buh19a04)

{Tape: 1; Side: B; Approx. Time Counter: 470 - Tape: 2; Side: A; Approx. Time Counter: 51}

Opponents' Testimony:

Terry Minow, Montana Education Association, said they represent a number of state employees including Child Protective Service and Adult Protective Service employees, as well as probation and parole officers. They do very good work with less than adequate resources in tough situations. They do support the intent of this bill.

{Tape: 2; Side: A; Approx. Time Counter: 52 - 72}

Informational Testimony:

Shirley Brown, Administrator, Child & Family Services Division, Department of Public Health & Human Services, described the complaints which the organization deals with, the training involved, and the education of these employees.

{Tape: 2; Side: A; Approx. Time Counter: 72 - 209}

Questions from Committee Members and Responses:

REP. BOOKOUT-REINICKE questioned the grandparent rights on the rights of children. **Ms. Brown** reiterated the statement she had previously spoken about grandparent's rights.

{Tape: 2; Side: A; Approx. Time Counter: 209 - 255}

REP. MORGAN asked **REP. BIXBY** about cases which were not reviewed by a social worker.

{Tape: 2; Side: A; Approx. Time Counter: 256 - 343}

Closing by Sponsor:

The sponsor closed. She also provided a copy of NASW Code of Ethics and some proposed amendments.

EXHIBIT (buh19a05)

EXHIBIT (buh19a06)

{Tape: 2; Side: A; Approx. Time Counter: 347 - 500}

EXECUTIVE ACTION ON HB 403

{Tape: 3; Side: A; Approx. Time Counter: 1 - 50}

Motion/Vote: REP. KEANE moved HB 403 DO PASS. A roll call vote was taken. Motion carried 15-3 with REPS. McKENNEY, STEINBEISSER, and HAWK voting no.

EXECUTIVE ACTION ON HB 404

{Tape: 3; Side: A; Approx. Time Counter: 50 - 100}

Motion: REP. LAWSON moved HB 404 DO PASS.

Motion: REP. MAEDJE moved HB 404 AMENDMENTS DO PASS. (40402)

EXHIBIT (buh19a07)

Discussion:

Mr. Campbell explained the amendments.

Vote: A roll call vote was taken. Motion failed 4-14 with REPS. BITNEY, MAEDJE, ROME, and WILSON voting yes.

Motion/Vote: REP. MORGAN moved HB 404 BE FURTHER AMENDED. (40401) A voice vote was taken. Motion carried 18-0.

EXHIBIT (buh19a08)

Motion/Vote: REP. MORGAN moved HB 404 DO PASS AS AMENDED. A roll call vote was taken. Motion carried 15-3 with REPS. MAEDJE, MENDENHALL, and ROME voting no.

ADJOURNMENT

Adjournment: 10:50 A.M.

REP. JOE MCKENNEY, Chairman

ALBERTA STRACHAN, Secretary

JM/AS

EXHIBIT (buh19aad)